

Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 21, 27, and 31 have been amended. No claims have been cancelled or added. Claims 34 and 35 were previously cancelled. Therefore, claims 1-33 and 36-39 are presented for examination.

35 U.S.C. §112 Rejection

Claims 1-39 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner states that the claim language "amount of intrusion" and "resolving an event" are vague and do not clearly define the subject matter of the invention. (Final Office Action mailed 12/5/05 at pg. 4, point 5.)

Independent claims 1, 11, 21, 27, and 31 have been amended to clarify the claim language. They now refer to "an intrusion to the user" that is determined by "rules specified by the user." Support for this feature can be found in the specification at paragraphs [0026] and [0015]. The claims also refer to the digital assistant "handling" the event itself in lieu of taking an action to resolve the event. Support for this feature can be found in the specification at paragraph [0031]. Therefore, the claim language is not vague and does clearly define the subject matter of the invention. As such, applicant respectfully requests that the 35 U.S.C. §112 rejection be withdrawn.

35 U.S.C. §102(e) Rejection

Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Horvitz et al. (U.S. Pub. No. 2003/0046521).

Applicant submits that the present claims are patentable over Horvitz.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].) More specifically, the system enables a plurality of information associated with electronic messages to be automatically prioritized by a message urgency system for transmittal to a user or system. The message urgency system can employ classifiers that can be explicitly and/or implicitly trained to prioritize or triage one or more received messages according to a learned importance to the user. (Horvitz at Abstract.).

Claim 1, as amended, recites:

A method, comprising:
providing a digital assistant having an event detector and an agent selector;
receiving by the event detector information of an event from an information provider;
determining by the event detector a level of importance of the event relative to a user of the digital assistant;
weighing by the agent selector the level of importance against an intrusion to the user if the digital assistant handles the event itself, wherein the intrusion to the user is determined by rules specified by the user;
handling by the digital assistant the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold; and
contacting by the digital assistant the user in order for the user to resolve the event if the level of importance is greater than the second threshold.

Applicant submits that Horvitz does not disclose or suggest providing a digital assistant having an event detector and an agent selector, handling by the digital
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assistant the event without contacting the user, or weighing by the agent selector the level of importance against an intrusion to the user if the digital assistant handles the event itself wherein the intrusion to the user is determined by rules specified by the user, as recited by claim 1.

First, there is no disclosure or suggestion in Horvitz of an event detector and an agent selector as part of a digital assistant. The Final Office Action cites Figure 3 of Horvitz, as well as paragraphs [0075] and [0076], as disclosing this feature. (Final Office Action at pg. 5, point 7.) However, Figure 3 of Horvitz only discloses a "message control" which includes alerting options 210, color and audio options 220, deferral options 230, threshold adjustments 240, message quantity adjustments 250, and summary of importance 260. (Horvitz at Figure 3.) Paragraphs [0075] and [0076] of Horvitz further describe these components of "message control" as options that can variously modify and adjust settings of a message. These are not separate operating components of a digital assistant. Nor are they the same as a digital assistant with an event detector and an agent selector. Applicant can find no disclosure or suggestion of such a feature anywhere in Horvitz.

Second, there is no disclosure or suggestion in Horvitz of a digital assistant handling an event without contacting the user. The Final Office Action cites "the assistant, depending on the comparison of thresholds, can either queue the message or immediately forward it to the user to be seen...viewed as corresponding to applicant's claimed 'resolve the event.'" (Final Office Action at pg. 3, point 3.) However, this is not the same as a digital assistant *handling an even without contacting the user*. This is just a delay tactic for sending an event to a user to be eventually handled by the user. Applicant can find no disclosure or suggestion in Horvitz of a digital assistant handling an event itself.

Third, there is no disclosure or suggestion in Horvitz of an agent selector weighing a level of importance of an event against an intrusion to the user if the digital assistant handles the event itself, wherein the intrusion is determined by rules specified by the user. The Final Office Action cites a “deferral capability” and “gleaning from observation” convenient times to deliver a message. It also cites the ability to queue a message or immediately forward it to a user as disclosing this feature. (Id.) However, these relied-on features of Horvitz do not disclose *weighing a level of importance against an intrusion to the user if the assistant handles the even itself, the intrusion determined by rules specified by the user.* Horvitz does not disclose an assistant handling an event itself, so it cannot disclose weighing against an intrusion to the user if the assistant handled the event itself. Nor does Horvitz disclose an intrusion being determined by rules specified by a user. Applicant can find no disclosure or suggestion of such a feature anywhere in Horvitz.

Therefore, claim 1 is patentable over Horvitz. Claims 2-10 depend from claim 1 and include additional limitations. As a result, claims 2-10 are also patentable over Horvitz.

Independent claims 11, 21, 27, and 31, as amended, also recite, in part, providing a digital assistant having an event detector and an agent selector, handling by the digital assistant the event without contacting the user, or weighing by the agent selector the level of importance against an intrusion to the user if the digital assistant handles the event itself, wherein the intrusion to the user is determined by rules specified by the user. As discussed above, Horvitz does not disclose or suggest such a feature. Therefore, claims 11, 21, 27, and 31, as well as their respective dependent claims, are patentable over Horvitz for the reasons discussed above with respect to claim 1.

35 U.S.C. §103(a) Rejection

Claims 2, 12, 37 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub. No. 2003/0046521) in view of what was well known in the art. Claim 2 depends from independent claim 1, claim 12 depends from independent claim 11, and claims 37 and 39 depend from independent claim 31. As previously discussed, claims 1, 11, and 31 are patentable over Horvitz. As a result, claims 2, 12, 37, and 39 are also patentable over Horvitz, even in view of what was well known in the art.

Claims 7, 17, 26 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. in view of Fisher et al. (U.S. Patent No. 5,835,896). Claim 7 depends from independent claim 1, claim 17 depends from independent claim 11, claim 26 depends from independent claim 21, and claims 30 depends from independent claim 27. As previously discussed, claims 1, 11, 21, and 27 are patentable over Horvitz. Fisher does not remedy the deficiencies of Horvitz as far as disclosing the claims of the present application. As a result, claims 7, 17, 26, and 30 are also patentable over Horvitz, even in view of Fisher.

Claims 8-9, 18-19 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. Claims 8-9 depend from independent claim 1, claim 18-19 depend from independent claim 11, and claim 33 depends from independent claim 31. As previously discussed, claims 1, 11, and 31 are patentable over Horvitz. As a result, claims

8-9, 18-19, and 33 are also patentable over Horvitz, even in view of what was well known in the art.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

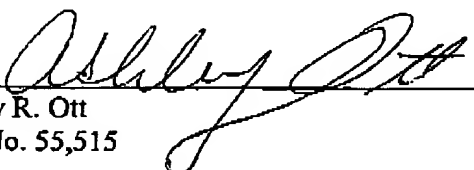
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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